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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/141,287	08/27/1998	HUI-JUNG WU	30-4540-4780	9690

7590

04/23/2003

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EXAMINER

KIELIN, ERIK J

ART UNIT

PAPER NUMBER

2813

22

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner of Patents and Trademarks

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 3 April 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the statement required under 37 CFR 1.97(e) stating,

“(e) A statement under this section must state either:  
(1) That each item of information contained in the information disclosure statement was **first** cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement...”  
(Emphasis added.)

By contrast, Applicant's statement in Paper No. 20, at p. 1, merely states,

“I hereby certify that each item of the information contained in this information disclosure statement **was cited** in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of this statement.” (Emphasis added.)

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

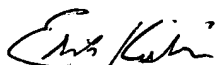
**Because this IDS is not being considered for failure to meet the requirements of 37 CFR 1.97, the status of the application has not changed. In other words, it remains under appeal and will be returned to the Board after mailing of this communication.**

Art Unit: 2813

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik Kielin whose telephone number is 703-306-5980. The examiner can normally be reached on 9:00 - 19:30 on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached at 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Erik Kielin  
April 22, 2003